

OGC 78-0183

11 January 1978

MEMORANDUM FOR: Director of Logistics

FROM:

[REDACTED]
Assistant General Counsel
Logistics & Procurement Law Division, OGC

SUBJECT: Title 44, United States Code, Public Printing
and Documents

- REFERENCES:
- (a) Memo dtd 1 Nov 77 to D/L fm C/P&PD/OL,
subject: Impact of Compliance with
Selected Printing and Binding Regulations
of the Joint Committee on Printing
(Title 44), w/atts.
 - (b) Note dtd 16 Nov 77 to D/L fm EO/OL
 - (c) Memo dtd 13 June 77 to DCI fm General
Counsel, subject: Agency Compliance
with The Depository Library Program
 - (d) Memo dtd 14 May 76 to D/L fm L&PLD/OGC,
subject: [REDACTED]
 - (e) Memo dtd 10 June 77 to A. A. Lapham fm
[REDACTED] (General Counsel),
subject: Agency Compliance with the
Depository Library Program

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1. This Office remains of the opinion that the Agency does not have blanket exemption from the provisions of Title 44, United States Code, notwithstanding past practices or beliefs to the contrary. When the Government Printing Office (GPO) relinquished operating control over the printing plant 4 January 1957, it did so with the approval of the Joint Committee on Printing (JCP) subject to conditions expressed in a letter from the Agency to GPO dated 19 November 1956. In that correspondence,

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the DCI referred to a general agreement between the two organizations and other understandings including one in which the CIA stated "no unclassified printing shall be performed . . . except that type of printing which would normally be performed in a Government duplicating plant."

2. It is recognized that since that time, the tasks required of the Printing and Photography Division (P&PD) have increased many times as has the printing state of art which necessitate continual procurement of modern equipment, paper and other supplies.

Recently, these procurements have been coordinated on an ad hoc basis by approaching the JCP for approval. P&PD has stated such practice is not only cumbersome but generally unsatisfactory. Moreover, it has also been indicated that total compliance with the Government Printing & Binding Regulations, published by JCP, would drastically alter the Agency's printed presentations both as to style and quality of publication to name but a few adverse affects.

3. 44 U.S.C. 103, which addresses the remedial powers of the JCP, states that committee may use any measures it considers necessary to remedy . . . duplication or waste in the public printing . . . of Government publication. Further, 44 U.S.C. 505 provides an important exception to the general rule that all printing for the government be done by GPO. Specifically, that 44 U.S.C. 501 (1) states:

All printing . . . work for . . . every executive department . . . shall be done at the Government Printing Office except--

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere.

The above statutory provisions gives the JCP authority to exempt the Agency from various printing requirements as the need may be. In seeking a remedy to the problem, [redacted] Office of STAT Legislative Counsel (OLC), has advised me that it would be most opportune at this time to approach the JCP with a request for

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specific exemptions from the provisions of Title 44 that the Agency desires. He suggested that reasons for each exemption sought be provided succinctly. After preparation of the Agency's request, OLC will effect the necessary liaison with JCP.

4. It is suggested that the concerns of P&PD regarding copyright and Agency's practices be treated independently of the Title 44 matter. Toward that end, it is recommended that a detailed statement of the problem be prepared together with a request for a legal opinion.

cc: OLC
P&PD/OL



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ROUTING AND RECORD SHEET

DDA

SUBJECT: (Optional) Title 44, United States Code, Public Printing and Documents

FROM: [Redacted]
Assistant General Counsel
L&PLD/OGC - 2G31 Page

EXTENSION

NO.

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DATE

11 January 1978

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. [Redacted]
Chief, Liaison Div.
Office of Legislative
Counsel
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